

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK P. DONALDSON,

Plaintiff,

v.

Case Number 99-10433
Honorable David M. Lawson

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR
RECONSIDERATION OF DECEMBER 15, 2005 ORDER**

Before the Court is the plaintiff's motion seeking reconsideration of the Court's order denying his motion to certify an interlocutory appeal. Motions for reconsideration may be granted pursuant to E.D. Mich. LR 7.1(g)(1) when the moving party to shows (1) a "palpable defect," (2) that misled the court and the parties, and (3) that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3). A "palpable defect" is a defect which is obvious, clear, unmistakable, manifest, or plain. *Mich. Dep't of Treasury v. Michalec*, 181 F. Supp. 2d 731, 734 (E.D. Mich. 2002) (citations omitted).

The plaintiff here has not demonstrated any mistake of fact or law that amounts to a "palpable defect." Rather, the plaintiff re-asserts the arguments presented the first time around. The Local Rules provide, however, that any "motions for rehearing or reconsideration which merely present the same issues ruled upon by the Court, either expressly or by reasonable implication, shall not be granted." E.D. Mich. LR 7.1(g)(3). The Court will deny the motion for reconsideration.

Accordingly, it is **ORDERED** that the plaintiff's motion for reconsideration of the

order of December 15, 2005 [dkt # 193] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 5, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 5, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS